

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, August 1, 2001.

PRESENT: Ted Dziurman
Rick Kessler
Bill Nelson
Tim Richnak
Frank Zuazo
Ginny Norvell
Pam Pasternak

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JULY 11, 2001

Motion by Nelson
Supported by Richnak

MOVED, to approve the minutes of the meeting of July 11, 2001 as written.

Yeas: 5 – Dziurman, Kessler, Nelson, Richnak, Zuazo

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUESTED. NICK MITCHELL, ATHENS PLAZA – 120-140 W. MAPLE, for relief to maintain the 45" high section of fence located within the front yard setback.

Ms. Norvell explained that the petitioner is requesting renewal of relief granted by this Board to maintain the 45" high section of fence located within the front yard of the property. Petitioner owns a multi-tenant commercial center located on the north side of Maple between Livernois and Thunderbird. This item first appeared before the Building Code Board of Appeals in July 1992. In July 1996 this Board granted a renewal of this variance for a period of five (5) years.

Mr. Mitchell was present and stated that he had installed the fence because of people trespassing in this area. He was concerned that someone would get hurt due to the fact that there is a 2 ½' drop in the elevation between his site and the property to the east. Mr. Mitchell asked if there was any way the Board could make this a permanent variance.

The Building Department has no complaints or objections on file.

Motion by Nelson
Supported by Zuazo

ITEM #2

MOVED, to grant Mr. Nick Mitchell, Athens Plaza, 120-140 W. Maple a permanent variance to maintain the 45" high section of fence located within the front yard setback.

- This variance is a permanent variance unless this property is sold, at which time it would become void.
- There are no complaints or objections on file.

Yeas: 4 – Dziurman, Nelson, Kessler, Zuazo

Abstain: 1 – Richnak

MOTION TO GRANT VARIANCE WITH STIPULATION CARRIED

ITEM #3 – VARIANCE REQUEST. JUDY KENNEDY, GULF INTEREST, INC., CEDAR RIDGE ESTATES CONDOMINIUM, BIG BEAVER EAST OF JOHN R., for relief of Chapter 83 to construct a 6' high privacy fence in the front setback along E. Big Beaver.

Ms. Norvell explained that the petitioner is requesting relief of Chapter 83 to construct a 6' high privacy fence 15' from the rear lot lines of units 1-12 of the Cedar Ridge Estates Condominiums. Because units 1-12 back to Big Beaver and the adjacent properties front on Big Beaver Road, they are classified as double front, thru-lots. As such, Chapter 83 requires a 25' minimum setback along Big Beaver for any fence over 30" high.

This item first appeared before this Board at the July 11, 2001 meeting and was tabled to allow the petitioner to investigate the possibility of using vinyl fencing rather than a wooden fence and also to determine exactly what type of fence they would install.

Ms. Kennedy was present and stated that she had investigated this matter thoroughly and discovered that a vinyl fence would cost them at least \$20,000.00 more than a wooden fence and they would not consider putting up this type of fence. Ms. Kennedy further stated that they felt that the vinyl fencing would not fit in with the area, as it would present a harsh, stark appearance. Ms. Kennedy explained that the wood fencing would blend in with the area and reinforced the statement that the cost of maintenance for this fence would be taken care of by the Homeowners Association, as noted in the deed restrictions. Ms. Kennedy also said that this would eliminate the need for the homeowners to come to the Board and ask for a variance for a privacy fence which could lead to several different types of fencing rather than one fence which would be consistent along the length of the property. Ms. Kennedy went on to say that she was informed that steel posts are now used as corner posts, which gives the wooden fence more stability.

ITEM #3

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

Mr. Richnak questioned Ms. Kennedy regarding the berm and proposed landscaping. Ms. Kennedy stated that the berm would be 2 ½' – 3' high and they are planning on adding ornamental trees as well as evergreens along the fence line. Mr. Richnak felt that the landscaping would help to obscure the fence from Big Beaver due to the fact that besides planting trees they are also planting low growing evergreens.

Mr. Nelson asked what type of fence they were planning to erect and Ms. Kennedy said that they were planning on using a solid dog-ear type of fencing.

Motion by Nelson

Supported by Richnak

MOVED, to grant Judy Kennedy, of Gulf Interest, Inc., Cedar Ridge Estates Condominium, Big Beaver east of John R., relief of Chapter 83 to construct a 6' high privacy fence in the front setback along E. Big Beaver.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.
- The Homeowners Association will provide for maintenance of the fence.

Yeas: 4 – Dziurman, Kessler, Nelson, Richnak

Nays: 1- Zuazo

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUEST. TARA CARDELLA, OAKLAND MALL LIMITED, 500 W. FOURTEEN MILE, for relief of Chapter 78 for the placement of a special event sign from November 1, 2001 through December 26, 2001 (56-day period).

Petitioner is requesting relief for the placement of a special event sign over the existing pylon sign and frame facing the I-75 Expressway, from November 1, 2001 through December 26, 2001 (56-day period). Section 9.01 of Chapter 78 limits the time period for a sign to advertise a special event to seven (7) days.

A similar request appeared before this Board at the meeting of September 2000 and was approved.

Ms. Cardella was present and stated that this request was exactly the same as the request from last year, the only difference being that they were planning on reducing the back light.

ITEM #4

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or complaints on file.

Motion by Kessler
Supported by Nelson

MOVED, to grant the request of Tara Cardella, Oakland Mall Limited, 500 W. Fourteen Mile, for relief of Chapter 78 for the placement of a special event sign from November 1, 2001 through December 26, 2001 (56-day period).

- Variance is not contrary to public interest.
- Variance will not establish a prohibited use.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUEST. KATHLEEN DEBURGHGRAEVE, REPRESENTING NORTHFIELD HILLS CONDOS, 1850 BRENTWOOD, for relief of Chapter 78 to allow the placement of 20 off-site signs for a 7-day period.

Ms. Norvell explained that the petitioner is requesting relief of the Sign Ordinance to allow the placement of 20 off-site signs for a 7-day period in relation to a special event being held on Sunday, August 26, 2001. The Sign Ordinance limits the number of off-site signs to 4. A similar request appeared before this Board at the meeting of August 2, 2000 and was approved.

The petitioner was not present. Mr. Dziurman stated that this event has been going on for number of years and we have not received any complaints regarding these off-site signs. Mr. Dziurman also did not wish to table this item, allowing the petitioner to be present, as the event would be over before the next meeting of the Building Code Board.

There is one written approval on file. There are no written complaints on file.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

Motion by Nelson
Supported by Richnak

ITEM #5

MOVED, to grant the request of Kathleen Deburghgraeve, representing Northfield Hills Condos, 1850 Brentwood, for relief of Chapter 78 to allow the placement of 20 off-site signs for a 7-day period.

- There are no complaints on file.
- Signs will be removed immediately following the event.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 – VARIANCE REQUEST. YOUSSEF (JOE) CHECHAYEB, CHOICE DEVELOPMENT, STONEHAVEN WOOD EAST – CORNER OF CROOKS AND THE NEW STREET SALMA, for relief of Chapter 83 to construct a 6' high masonry/metal wall with two 10'-4" high end columns at the entrance to the new Stonehaven Woods East Subdivision.

Ms. Norvell explained that the petitioner is requesting relief of Chapter 83 to construct a 6' high masonry/metal wall, 10' from the east lot lines, with two 10'-4" high end columns at the entrance to the new Stonehaven Woods East Subdivision. The petitioner is requesting placement 10' from the property line, where 50' is required. This wall would be located at the corner of Crooks Road and the new street Salma. The lots at Salma and Crooks are double front corner lots. As such, Chapter 83 limits fences and walls in front yard setbacks to 30" in height.

Mr. Jim Gideon of Choice Development was present and stated that there are several subdivision entrance walls of this type throughout the City and requires a minimum of maintenance due to the fact that the wall will be constructed of solid brick with a stone top and wrought iron. Mr. Gideon also stated that originally they had planned to make the end columns 10'-4" high, however, they have changed the height of these columns to 8'.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one written approval on file. There are no written objections on file.

Motion by Kessler
Supported by Richnak

ITEM #6

MOVED, to grant Youssef (Joe) Chechayeb, Choice Development, Stone Haven Woods East, corner of Crooks and the new street Salma, relief of Chapter 83 to construct a 6' high masonry/metal wall with two 8' high-end columns at the entrance to the new Stonehaven Woods East Subdivision.

- The Homeowners Association will do maintenance of the wall.
- Variance is not contrary to public interest.
- End columns will be 8' high as stated by the petitioner.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #7 - VARIANCE REQUEST. GHAFARI ASSOCIATES, INC., REPRESENTING DELPHI, 5820 & 5825 DELPHI DRIVE, for relief of the 1997 International Plumbing Code (IPC) Section 708.8.

The 1997 IPC states that manholes are required for building sewers, which are 8-inches and larger, where there is a change in size or direction and at intervals of not more than 400 feet. The petitioners are in the process of constructing 2 new buildings and are proposing to collect five (5) separate, 8-inch diameter roof drainage leads each on the east side of building D and the west side of Building C into a common header of specified diameter. The connections into the header would utilize wyes or elbow type fittings for change in direction in lieu of a manhole at each point of connection to header. Included in the proposed system are cleanouts on the inside of the building wall where each of the 8-inch leads exit the building plus cleanouts on the header pipe at intervals not exceeding 100 feet. The petitioner is asking for relief of this modified system.

Mr. Patrick Smithbauer, Vice President of Ghafari Associates, L.L.C., Mr. David Pamula, Manager, Civil Engineer for Ghafari Associates and Chris Vanhartesveh of Waldbridge Associates were present. Mr. Pamula stated that there are two long buildings presently under construction at the Delphi site and the plans were initially approved by the Engineering Department. After the work was done, the City of Troy Engineering Department came out and approved the site, however, the City of Troy, Plumbing Inspector, would not approve this construction because he felt that manholes would be required.

Mr. Pamula further stated that there are five (5) separate drainage systems located at each of the waste points and a clean out located at 100' intervals. Mr. Pamula further stated that if they had to put in manholes at this point, it would be under considerable expense, especially since this plan had been approved before they installed this system.

ITEM #7

Mr. Dziurman asked if all other drainage goes into manholes and Mr. Kessler replied that if the drainage system was within 30" of the building it would automatically have been approved, however, due to the fact that it is approximately 4' to 5' away from the building, a variance is required. Mr. Kessler also stated that normally storm water is considered to be "clean" water and maintenance of the system would be minimal. Mr. Dziurman asked if there was a secondary drainage system and Mr. Kessler stated that there was.

Mr. Richnak asked about landscaping around this drain and Mr. Vanhartesyeh stated that there is approximately 2' of stone around the building, then sod and then sidewalk.

Motion by Nelson
Supported by Richnak

MOVED, to grant Ghafari Associates, Inc. representing Delphi, 5820 & 5825 Delphi Drive relief of 1997 International Plumbing Code (IPC) Section 708.8.

- Variance is not contrary to public interest.
- Plan was originally approved by the Engineering Department

Yeas: All – 5

MOTION TO GRANT REQUEST CARRIED

The Building Code Board of Appeals meeting adjourned at 9:10 A.M.

GN/pp